

PROB12C  
(07/93)

# UNITED STATES DISTRICT COURT

for

## Western District of Wisconsin

### Petition for Summons for Offender Under Supervision

**Name of Offender:** Ryan R. Papenfuss  
Winona, MN

**Case Number:** 06-CR-044-wmc-01

**Name of Sentencing Judicial Officer:** Honorable John C. Shabaz

**Name of Presiding Judicial Officer:** Honorable William M. Conley

**Date of Original Sentence:** April 26, 2006

**Date of Revocation Sentence:** October 13, 2010

**Offense:** Possession of a Listed Chemical, Pseudoephedrine, to be Used to Manufacture Methamphetamine, a Schedule II Controlled Substance, in violation of 21 U.S.C. §841(c)(2), a Class C felony

**Original Sentence:** 57 months' imprisonment and 36 months' supervised release

**Revocation Sentence:** One-day imprisonment with credit for court appearance and 24 months' supervised release

**Type of Supervision:** Supervised release

**Date Supervision Commenced:** October 13, 2010

**Assistant U.S. Attorney:** Paul W. Connell

**Defense Attorney:** To be assigned

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### PETITIONING THE COURT

X To issue a summons.

The probation officer alleges that the offender has violated the following condition of supervision:

#### Violation

#### Nature of Noncompliance

Special Condition No. 3:

"Abstain from the use of alcohol and illegal drugs and from associations from drug users and sellers and participate in substance abuse treatment."

On July 5, 2011, Ryan R. Papenfuss admitted that on May 26 and May 31, 2011, he smoked methamphetamine. He also admitted that on May 26 and May 31, 2011, he removed his sweat patch prior to ingesting methamphetamine and reapplied the patch prior to reporting to Attic Correctional Center in La Crosse, Wisconsin, to have the patch removed and a new sweat patch applied. Despite his attempts to subterfuge the sweat patch, he tested positive on the sweat patches removed on May 29, 2011, and June 4, 2011. On both occasions that Mr. Papenfuss smoked methamphetamine, he was associating with Heather Mead, a person whom he knows is a methamphetamine user.

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**Adjustment To Supervision:** On October 13, 2011, Ryan R. Papenfuss' term of supervised release commenced. He has maintained a stable residence, been gainfully employed at RTP in Winona, Minnesota, completed intensive outpatient treatment, and has significantly reduced his credit debt.

Mr. Papenfuss spent the first 90 days of his second term of supervised release on home confinement, and under Global Positioning System monitoring. On October 27, November 4, November 8, November 13, and November 16, 2010, Mr. Papenfuss violated his home confinement by consuming alcohol at taverns. The Court was notified and the violation was addressed through his continued participation in treatment at Wenden Recovery Services.

On April 11, 2011, Mr. Papenfuss voluntarily admitted that he consumed alcohol on April 10, 2011. His condition to abstain from alcohol was reviewed with him and he was directed to contact Wenden Recovery Services.

**Probation Officer's Recommendation:** It is respectfully recommended that a summons be ordered for Ryan R. Papenfuss, returning him to court for a judicial review to show cause why his term of supervised release should not be revoked. It is further requested that counsel be appointed to represent him.

Assistant U.S. Attorney Paul W. Connell concurs with this recommendation.

**Penalties:** Ryan R. Papenfuss' violations constitute Grade C violations, pursuant to USSG §7B1.1(a)(3). His criminal history category is III. With a Grade C violation and a criminal history category of III, Mr. Papenfuss has an advisory guideline range of imprisonment of 5 to 11 months. Mr. Papenfuss' original offense was a Class C felony; therefore, the statutory maximum imprisonment sentence he may receive if supervised release is revoked is 24 months.

If the Court determines that Mr. Papenfuss possessed a controlled substance, the violation behavior would constitute a Grade B violation. The corresponding advisory guideline range of imprisonment would be 8 to 14 months. Title 18 U.S.C. § 3583(h) authorizes another term of supervised release to follow imprisonment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

07/18/2011

/s/

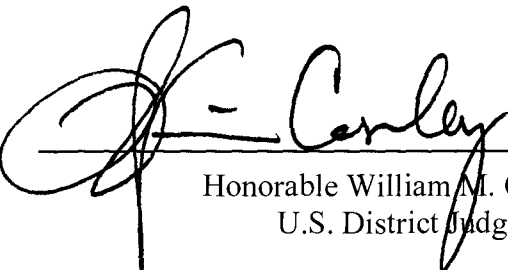
Traci L. Jacobs  
U.S. Probation Officer

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**THE COURT ORDERS:**

- ☒ The issuance of a summons.  
☐ The issuance of a warrant. THE ORDER IS TO REMAIN UNDER SEAL UNTIL ARREST.  
☒ Appointment of Counsel  
☐ Other

  
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Honorable William M. Conley  
U.S. District Judge  
July 19, 2011  
\_\_\_\_\_  
Date